

ENVIRONMENTAL ASSESSMENT DECISION NOTICE
for the
Mt Haggin WMA Highway 569 Improvement Project
Montana Fish, Wildlife & Parks
Region 3, Bozeman
March 8, 2019

Preface

This Decision Notice has been prepared to allow MT Department of Transportation (MDT) in partnership with the Western Federal Lands Highway Division of the Federal Highway Administration (FHWA) to improve a 4-mile section of existing paved surface of MT Highway 569 across MT Fish, Wildlife & Parks' (FWP) Mt Haggin Wildlife Management Area (WMA). Highway 569 is locally known as the Mill Creek Highway. The highway project would include resurfacing and widening the existing road prism, repairing and restoring drainage, replacing the California Creek Bridge, installing earth walls and placing pavement markings.

FWHA determined that this project, referred to as "North of Moose Creek North", qualified for Categorical Exclusion and only a limited environmental assessment was required. This assessment was made available to the public via postings in the *Missoulian* and *Montana Standard* in June 2018. Minimal impacts are expected to result from this project; most are temporary while construction is occurring. Benefits would include public safety from improved road conditions and replacement of the California Creek bridge and reduction in sediment flow into Oregon and California creeks with culvert replacement and bank erosion control.

FWP biologists provided input to the project design and have reviewed this environmental assessment. FWP does have concern about Oregon Creek culvert. These concerns revolve around maintaining fish and aquatic organism passage year-round through the culvert. Oregon Creek contains important spawning and rearing habitat. However, flows in the late summer can be very low (< 1 cfs). The very large culvert proposed over Oregon Creek will be filled with native streambed material and a low flow channel will be constructed inside the culvert. Fine sands and silts will be washed into the placed gravels to fill interstitial spaces. FWP's concern is that at low flows Oregon Creek will flow subterranean within the culvert and thus preclude fish passage. The project engineers have addressed these concerns as adequately as possible given the structure type and have agreed to do 1 year of monitoring after project completion to ensure the mitigative measures produce the outcome desired. If fish passage is interrupted the first year, additional actions would be taken to maintain surface flows that would allow for fish passage.

Proposed Action

Reconstruction would include widening the existing road prism from 22-24 feet to 26 feet. This expansion would require the permanent conversion of 0.87 acres [The original Decision Notice incorrectly stated the acreage as 0.77 acres] of FWP land on the Mt. Haggin WMA to MDT ownership. Because MFWP purchased Mt. Haggin WMA with Land and Water Conservation Funds, Section 6(f) of the Land and Water Conservation Fund Act applies to any land conversion that occurs on the WMA. Specifically, Federal Highway Administration and MDT must provide replacement property to MFWP for the 0.77 acres that will be taken in this project.

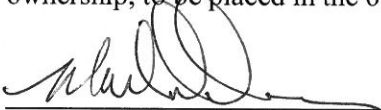
Since 1998, MFWP and MDT have maintained a spreadsheet depicting remaining credit/debit status of all 6(f) properties across the state. This process has commonly been referred to as the "6(f) Properties Bank". In 2004, MDT provided funding to MFWP to acquire a track of land with the understanding that the funding provided by MDT would establish a credit that MDT would use to mitigate the impacts of future MDT acquisitions of land owned by MFWP and classified as 6(f). In the case of the Mt. Haggin WMA road improvement project, it is the intent of MDT and MFWP to use the existing 6(f) Properties Bank to mitigate the impacts to the 0.87 acres [The original Decision Notice incorrectly stated the acreage as 0.77 acres] of 6(f) property owned by FWP that will be taken in this road project.

Public Process and Comments

FWHA made available the Categorical Exclusion and limited environmental assessment to the public via postings in the *Missoulian* and *Montana Standard* in June 2018. No comments were received.

Decision

Based on the Environmental Assessment conducted by the Federal Highway Administration and input from FWP fisheries and wildlife biologists, it is my decision to approve the proposed action to allow permanent conversion of 0.87 acres [The original Decision Notice incorrectly stated the acreage as 0.77 acres] of FWP land to MDT ownership, to be placed in the 6(f) Properties Bank, pending FWP Commission approval.



Mark Deleray
Region 3 Supervisor
Montana Fish, Wildlife & Parks

4/5/19

Date